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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,027	12/19/2001	Takao Miyoshi	05905.0154	9556

7590

10/04/2005

FINNEGAN, HENDERSN, FARABOW  
GARRETT & DUNNER, L.L.P.  
1300 I STREET, N.W  
WASHINGTON, DC 20005-3315

EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/021,027

Applicant(s)

MIYOSHI ET AL.

Examiner

Pramila Parthasarathy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-24 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

AT

**Detailed Action**

1. This action is in response to communication filed on 04/18/2005. Claims 1 – 24 are pending.

***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1 – 7, 13 and 14 are drawn to data processing with data storing and copying classified in **class 711, subclass 161 i.e. Archiving**: subject matter wherein the control technique prevents the corruption, loss, alteration or disclosure of data by storing.
  - II. Claims 8 – 12, are drawn to encrypting saved data using a processing device key classified **class 380, subclass 264 i.e., key derived from addressable memory element**: subject matter wherein the key is extracted static storage device having a specified location designation.
  - III. Claims 15 – 19, are drawn to a registering in a database the data processing device information and used time information classified **class 707, subclass 204 i.e., Archiving and backup**: subject matter comprising backing up database information and scheduled backup.

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IV. Claims 20 – 24, are drawn to game server and processing via communication network classified **class 700, subclass 91 i.e., Contest or contestant analysis, management, or monitoring**: subject matter wherein data pertaining to a competition involving ability is collected, characterized or otherwise manipulated for the purpose of determining a state of, a characteristic of, or a condition of the contestant.

3. Inventions I, II, III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a data processing security system for issuing, reading and storing identifying information, classified in a *different Class/Subclass*. Invention II has separate utility such as a data processing device encrypting stored data using identifying information as a key, classified in a *different Class/Subclass*. In the instant case, invention III has separate utility such as an apparatus and system for encrypting data using column key or row key with in a database management system, classified in a *different Class/Subclass*. Invention IV has separate utility such as a game server with a processing method for managing a game, classified in a *different Class/Subclass*. See MPEP 806.05(d).

1. The inventions are distinct, each from the other, because of the following reasons:

(a) These inventions have acquired a separate status in the art as shown by their different classifications.

(b) The search required for each Group is different and not co-extensive for examination purposes.

For example, the searches for the two inventions would not be co-extensive because these Groups would require different searches on PTO's classification class and subclass as following:

The Group I search (claims 1 – 7, 13 and 14 would require use of search **class 711, subclass 161** (not require for the inventions II).

The Group I search (claims 1 – 7, 13 and 14 would require use of search **class 711, subclass 161** (not require for the inventions III).

The Group I search (claims 1 – 7, 13 and 14 would require use of search **class 711, subclass 161** (not require for the inventions IV).

The Group II search (claims 8 –12) would require use of search **class 380, subclass 264** (not require for the inventions I).

The Group II search (claims 8 –12) would require use of search **class 380, subclass 264** (not require for the inventions III).

The Group II search (claims 8 –12) would require use of search **class 380, subclass 264** (not require for the inventions IV).

The Group III search (claims 15 –19) would require use of search **class 707, subclass 204** (not require for the inventions I).

The Group III search (claims 15 –19) would require use of search **class 707, subclass 204** (not require for the inventions II).

The Group III search (claims 15 –19) would require use of search **class 707, subclass 204** (not require for the inventions IV).

The Group IV search (claims 20 – 24) would require use of search **class 700, subclass 91** (not require for the inventions I).

The Group IV search (claims 20 – 24) would require use of search **class 700, subclass 91** (not require for the inventions II).

The Group IV search (claims 20 – 24) would require use of search **class 700, subclass 91** (not require for the inventions III).

For the reasons given above restriction for examination purposes as indicated is proper.

4. Application is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48 (b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48 (b) and by the fee required under 37 CFR 1.17 (h).

### ***Conclusion***

5. A shortened statutory period for reply is set to expire **THIRTY DAYS** from the mailing date of this communication. Failure to respond within the period of response will cause the application to become abandoned (35 U.S.C. Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

September 03, 2005.

CD  
Primary Examiner  
AV231  
9/29/05